



PATENT

A77219
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Peter Kamvysselis, et al.

Appln. No. 09/891,143

Art Unit: 2195

Filed: June 25, 2001

Examiner: TANG, Kenneth

For: MULTIPLE JOBS PER DEVICE ON RA

Docket No.: EMS-01701

Certificate of Mailing

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of March 19, 2007.

Name: Bonny Rogers

TRANSMITTAL OF REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits the originally-signed Reply Brief with Certificate of Mailing and postcard receipt for the above-referenced patent application.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 503596**. Two originally-executed copies of this form are being submitted.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,
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March 19, 2007

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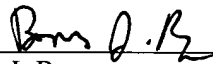


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Bonny J. Rogers

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REPLY BRIEF UNDER 37 C.F.R. § 41.41

Application Serial No.: 09/891,143

Filed: June 25, 2001

Appellants/Applicants: Kamvysselis, et al.

Title: MULTIPLE JOBS PER DEVICE ON RA

Appeal from a decision of the Primary Examiner
dated March 28, 2006

Reply to Examiner's Answer
dated January 26, 2007

Atty. Docket: EMS-01701

REPLY TO EXAMINER'S ANSWER

This Reply Brief is being filed under 37 C.F.R. § 41.41 in response to the Examiner's Answer dated January 26, 2007. The Examiner's Answer was provided in response to Appellants' Appeal Brief dated October 27, 2006. Appellants incorporate by reference herein any necessary portions provided in Appellants' Appeal Brief.

REPLY ARGUMENT

The Poublan, Brackett, and Atkin references may not be used to establish obviousness of Claims 1, 5-6, 17, 21-22 and 27 under 35 U.S.C. §103(a) and the Poublan, Brackett, (Atkin), and James references may not be used to establish obviousness of Claims 2-4 and 18-20 under 35 U.S.C. §103(a) because none of the cited references teach, alone or in any combination, the feature recited in independent claims 1 and 17 where jobs corresponding to the job records associated with a particular device record are serviceable by different entities.

Page 4 of the Examiner's Answer provides:

Poublan and Brackett are silent wherein jobs corresponding to records associated with a particular device are serviceable by different entities. However, Atkin teaches that it is typical and well known in the art for a computer system to have entities such as adaptors.

Appellants agree with the first sentence quoted above and, in addition, also agree with the second sentence, as far as it goes. However, Appellants disagree with the implication that Atkin discloses the feature recited in the independent claims of jobs corresponding to records associated with a particular device being serviceable by different entities. As explained in

detail below, Atkin's teaching that it is typical and well known in the art for a computer system to have entities such as adaptors does not overcome the admitted deficiencies of the combination of Poublan and Brackett and does not in any way teach jobs corresponding to records associated with a particular device being serviceable by different entities.

Neither Poublan, nor Brackett, nor Atkins, nor any combination thereof show, teach, or suggest the feature recited in the claims where jobs corresponding to the job records associated with a particular device record are serviceable by different entities. As mentioned in the specification, this feature facilitates operations for a device being handled more quickly and efficiently by allowing multiple entities (including entities that are relatively idle) to assist in servicing jobs. For example, in the case of a background copy operation, the associated jobs may be handled by multiple entities, thus allowing the background copy operation to complete sooner.

Page 5 of the Examiner's Answer references various column and line numbers in the Atkin reference. The following is the text of all of the portions of Atkin referenced on page 5:

Column 4, lines 60-67 through column 5, lines 1-15 state:

The invention may be implemented on a variety of hardware platforms, including personal computers, workstations, minicomputers, and mainframe computers. Many of the steps of the method according to the present invention may be advantageously implemented on parallel processors of various types. Referring now to FIG. 1, a typical configuration of an information handling system that may be used to practice the novel method of the present invention will be described. The computer system of FIG. 1 has at least one processor 10. Processor 10 is interconnected via system bus 12 to random access

memory (RAM) 16, read only memory (ROM) 14, and input/output (I/O) adapter 18 for connecting peripheral devices such as disk units 20 and tape drives 40 to bus 12, user interface adapter 22 for connecting keyboard 24, mouse 26 having buttons 17a and 17b, speaker 28, microphone 32, and/or other user interface devices such as a touch screen device 29 to bus 12, communication adapter 34 for connecting the information handling system to a data processing network, and display adapter 36 for connecting bus 12 to display device 38. Communication adaptor 34 may link the system depicted in FIG. 1 with hundreds or even thousands of similar systems, or other devices, such as remote printers, remote servers, or remote storage units.

Column 3, lines 43-51 state:

Consequently, there is a need for a system and method which allows users of an information handling system to dynamically create new cultural profiles and modify existing cultural profiles. It would be desirable to allow the user to dynamically change the cultural profile of an application while the application is executing. In addition, it would be desirable to allow the user to individually change the cultural profile of each application in the system separately, so that each application may utilize a different cultural profile.

Column 4, lines 13-26 state:

The dynamic creation, modification, or deletion of cultural profiles is done by using a user locale file in combination with a dynamically linked library supplied by the information handling system. The dynamically linked library contains all system defined cultural profiles, and is loaded when the system is booted. The user locale file contains all newly defined cultural profiles, along with user modifications and deletions of existing cultural profiles. When the system is booted, the operating system checks to see if a user locale file exists, and if so, the information in the user locale file overrides any corresponding information in the dynamically linked library. The present invention allows information handling systems to be customized to support any culture or combination of cultures.

Column 5, lines 30-33 state:

contained therein. The language used to implement the present invention is primarily C++ for OS/2, and the concepts of software programming, especially in object-oriented programming, are detailed in U.S. Pat. No. 5,361,

Column 8, lines 5-16 state:

cursor 430 in window 440, the user clicks mouse button 17b to bring up menu 470, as shown in FIG. 9. Menu 470 contains three options. The user may select edit option 480 to modify an existing cultural profile. The user may select delete option 490 to delete an existing cultural profile. The user may select create another option 500 to create a new cultural profile.

If the user selects create another option 500, locale name window 510 is displayed, as shown in FIG. 10. The user types a name in locale name box 520, and then clicks on OK button 530. In FIG. 9, the user has typed "FR_US" in locale name box 520. After clicking OK button 530, window 540

All of the above-quoted sections, except the one from column 5, appear to refer to something called a "cultural profile". It is not clear what relevance this has to the present invention, although the Examiner's Answer cites the above-noted sections of Atkin in apparent support of the proposition that these sections teach modifying Poublan and Brackett to supply the claimed feature of jobs corresponding to records associated with a particular device being serviceable by different entities. As discussed above, the Examiner's Answer notes on page 4 that this feature is not found in the combination of Poublan and Brackett. Thus, it may be useful to examine Atkin further to determine the meaning of "cultural profile" disclosed therein.

FIGS. 7 through 11 of Atkin depict the steps a user takes to create a new cultural profile. FIG. 7 shows a screen display 400 presented to the user on display device 38 of FIG.

1. Screen display 400 includes graphical locale builder icon 410. To access the graphical

locale builder, a user selects graphical locale icon 410, using cursor 430. Atkin discloses that a user will select a particular icon by using mouse 26 to move cursor 430 on screen display 400. To select graphical locale builder icon 410, the user moves cursor 430 over graphical locale builder icon 410, and double-clicks mouse button 17a. Graphical locale builder window 440 is then displayed, as shown in FIG. 8. In window 440, two currently existing locale objects are shown, EN_US 450 and FR_CH 460. EN_US 450 is the cultural profile for "English in the United States," and FR_CH is the cultural profile for "French in Switzerland." Atkin discloses that if a user desires to create a new cultural profile for "French in the United States.", the user uses cursor 430 in window 440 and clicks mouse button 17b to bring up menu 470, as shown in FIG. 9. Menu 470 contains three options. The user may select edit option 480 to modify an existing cultural profile. The user may select delete option 490 to delete an existing cultural profile. The user may select create another option 500 to create a new cultural profile. If the user selects create another option 500, locale name window 510 is displayed, as shown in FIG. 10. The user types a name in locale name box 520, and then clicks on OK button 530. In FIG. 9, the user has typed "FR_US" in locale name box 520. After clicking OK button 530, window 540 is displayed, as shown in FIG. 11. The user then proceeds to customize the new cultural locale using window 540 and other similar windows. For example, the user may base "FR_US" on "EN_US," but may change the measurement system used to metric (as shown in FIG. 11). When the user completes customization of "FR_US," it is available immediately for use as a cultural profile. Atkin discloses that the user does not have to reboot the information handling system in order to use "FR_US". Atkin discloses that the creation, modification, and deletion of cultural profiles is dynamic so that a newly created cultural profile is immediately available for use in the information handling system, with no need to reboot the system. Similarly, cultural

profiles may be dynamically modified or deleted. The modifications and deletions are disclosed as being effective immediately, with no need to reboot the system.

Based on the description in Atkin, it appears that the cultural profile is a data file used by software that indicates language and country information. There is no indication in Atkin that the cultural profile indicates any tasks or jobs to perform at all, let alone jobs that are serviceable by multiple entities (devices).

In contrast, the present specification describes jobs as, *inter alia*, data structures that contain information such as the various tasks associated with the job. Since there are no tasks associated with the “cultural profiles” of Atkin, but only language/country information, then it appears that Atkin disclosure of “cultural profiles” does not overcome the deficiencies of the Pouban/Brackett combination noted on page 4 of the Examiner’s Answer, namely, that Pouban and Brackett are silent wherein jobs corresponding to records associated with a particular device are serviceable by different entities.

The Examiner’s Answer points out, on page 8, that Atkin teaches the capability of sending print jobs to a remote printer through a communication adaptor. Appellants agree that Atkin shows this, but Appellants do not agree that this teaches jobs corresponding to records associated with a particular device being serviceable by different entities. Just as a communication job (like that disclosed in the present application) is serviced by transferring data from one site to another, a print job is serviced printing. There is no disclosure in Atkin that any print jobs are printed using any communication adaptor. In addition, there is not much disclosure in Atkin at all regarding formulation and servicing of print jobs, but

Appellants note that, generally, a specific printer is first selected and then print jobs *for that specific printer* are generated. There is no disclosure whatsoever in Atkin that a print job formulated for a particular printer is serviceable by another printer or by any other device for that matter.

In addition, Appellants concede that Atkin discloses a plurality of entities, such as printers, capable of performing more-or-less the same tasks. Any one of a number of printers could print a particular document just as any one of a number of communication adaptors could transmit particular data. However, Atkin does not disclose the specific mechanism used to instruct these devices to perform these jobs, and certainly does not disclose the claimed feature of a job (instructions to a specific device to perform a task) corresponding to records associated with a particular device (i.e., a job for a particular device) being serviceable by different entities (the job may be serviced by a device other than the particular device). Atkin does not disclose that print jobs for a particular printer may be serviced by another printer. Atkin does not disclose communication jobs for a particular communication adaptor may be serviced by another adaptor. Having one device service multiple entities is not the same thing and is not what is recited in Appellants' independent claims. The present claims recite a job for a particular device being serviceable by other devices, e.g., a job for a particular communication adaptor being serviceable by another communication adaptor.

Page 8 of the Examiner's Answer points out that, in column 5, lines 1-15, Atkin discloses four adapters such as I/O adaptor 18, user interface adaptor 22, communication adapter 34, and display adapter 26. Page 8 of the Examiner's Answer also points out that "entities" could be interpreted broadly to include any devices. Appellants concede both

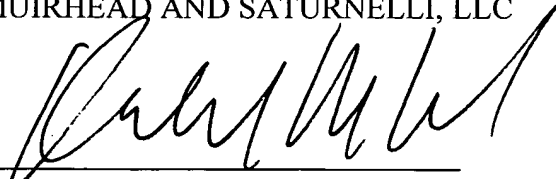
points, but do not agree that this teaches the feature of Appellants' claimed invention of jobs corresponding to records associated with a particular device being serviceable by different entities. Atkin does not teach, for example, that a job for the I/O adaptor 18 is serviceable by any of the user interface adaptor 22, the communication adapter 34, and the display adapter 26 or by any printers, remote or otherwise.

As to the rejection of Claims 2-4 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Poublan in view of Brackett and further in view of U.S. Patent No. 6,035,376, to as James, et al, Appellants note that claims 2-4 depend from independent claim 1 and claims 18-20 depend from independent claim 17. Accordingly, Appellants respectfully submit that the deficiencies of Poublan, Brackett, and Atkin with respect to the independent claims 1 and 17, discussed above, are not overcome by the addition of the James reference.

CONCLUSION

In view of the above, it is respectfully requested that the Board reverse all of the Examiner's rejections under 35 U.S.C. 103(a).

Respectfully submitted,
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Date: March 19, 2007

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